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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,279	08/06/2001	Avigdor Lev	BSC-217REC N	9037
22852 7590 07/09/2008 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER PEFFLEY, MICHAEL F	
			ART UNIT 3739	PAPER NUMBER
			MAIL DATE 07/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

SUPPLEMENTAL
Notice of Allowability

Application No.

09/923,279

Examiner

Michael Peffley

Applicant(s)

LEV, AVIGDOR

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/21/07.

2. ☒ The allowed claim(s) is/are 80-90.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):

a) ☒ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☒ Certified copies of the priority documents have been received in Application No. 08/232,190.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (-as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☐ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The specification has been amended so that the certificate of correction changes have been made without underlining or bracketing. See MPEP 1411.01

The application has been amended as follows:

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 2-12 been renumbered 80-90. Please amend the paragraph beginning at column 1, line 24 of the "648 patent as follows:

German patent application No. 2,848,636 claims usage of a heated liquid which is circulated in a closed loop by means of a pump within a body cavity, wherein the liquid temperature is controlled by an external thermostat. EP-A-0 370 890 discloses a radiating urethral device for hyperthermia including a catheter provided with an inflatable balloon and adapted to receive one or more liquid flows passing therethrough, a radiofrequency radiating antenna, and one or more thermocouples, the radiating antenna being submerged within one said liquid flow coming back from the closed terminal end of the antenna. The radiating device comprises in addition a separate rectal control means.

Please amend the paragraph beginning at column 1, line 37 of the "648 patent as follows:

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GB-A-2 045 620 relates to an applicator for hyperthermia comprising a rectal radiating probe and a spaced apart transurethral catheter including a temperature sensing means and an inflatable balloon. U.S. Pat. No. 4,957,765 discloses a transurethral radiating applicator for hyperthermia including a multi-tubes balloon type catheter comprising closed end tubes respectively surrounding a helical coil antenna and a temperature sensor, as well as a passive drainage tube for urine.

Please amend the paragraph beginning at column 4, line 4 of the "648 patent as follows:

There is shown schematically in FIG. 5 the longitudinal section of the catheter provided with a radiating antenna according to this invention, once it has been introduced into the bladder, in an operative condition. The catheter, carrying the radiating antenna therewithin, is introduced into bladder 32 through the urethra, in such a way that the rear end of protective metal cylinder 26 is located approximately at the bladder neck, in the transition area between prostrate 33 and bladder 32, while simultaneously taking care that the catheter front end does not subject the bladder internal wall to any pressure. Once the catheter has been introduced into the bladder in such a way, one actuates the supply pump of conditioning liquid 2 preferably comprising a solution of a selective cytotoxicity substance, which is accordingly forced to circulate through the bladder coming out from opening 3 and going back through opening 4, or viceversa, along side channel 5 which carries the power supply cables of thermocouples 6, 6', 6" therewithin. The liquid forced circulation, provided by the variable flowrate supply pump, suitably combined with an outer balancing and degassing chamber, allows the volume of liquid within the bladder to be balanced at will, in such a way as to compensate the pathological or physiological urine production, while thoroughly ejecting the gases generated or unwillingly introduced in circulation, out of the bladder, in order to prevent irradiation non-uniformities which would otherwise be caused by coexistence of anisotropic media. Once bladder 32 has been completely filled with conditioning liquid 2, balloon 7 is inflated by introducing a fluid, which may be a gas but it is preferably a liquid, along side channel 8 and through the end opening 9 thereof; balloon 7 inflated as mentioned above, pushes then against outer thermocouples 6, 6', 6" power supply cables thereby moving said thermocouples into tangential engagement against bladder wall 32 in different positions, in order to detect the temperatures prevailing therein as caused by irradiation generated by antenna 1. The possibility of changing the location and the number of the outer thermocouples, enables the thermocouples to be positioned at will, on the bladder wall, or in any case of the body organ to be treated, while being able to individually check the temperatures in the various locations. The inflated balloon 7 protects the bladder neck wall from an excess heat caused by the proximity of the radiating antenna, and in the meantime it prevents the catheter from being accidentally displaced or from coming out through the bladder neck.


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Please amend the paragraph beginning at column 5, line 58 of the "648 patent as follows:

In order to enable outer thermocouples 6, 6', 6" for detecting the bladder wall temperature to be safely deflected outwards when balloon 7 is inflated, the power supply cables thereof are reinforced along their whole length by inserting within the protecting sheath thereof a thin stainless steel wire providing them with the required rigidity and flexibility. The presence of said reinforcing wire provides as well the thermocouple power supply cables with the mechanical strength necessary to bear the compressive and tensile stresses caused when the cables are inserted within side channel 5, and when thermocouples 6, 6', 6" are laid in the desired locations.

Please amend the paragraph beginning at column 6, line 34 of the "648 patent as follows:

After the thermocouples have been deflected outwards within the bladder, it is still possible to modify their location by performing pushing and/or pulling actions on the reinforced power supply cables, as mentioned above, and possibly by rotating the catheter containing them. Control of the temperature detected on the bladder walls and/or within the circulating liquid mass, is obtained by changing the flowrate of said liquid from few cubic centimeters per minute to several tens of cubic centimeters per minute. The circulated fluid circulating system prevents permanence or formation and build-up of possible gas bubbles within the bladder or through the circuit, in that air or other gas bubbles having possibly formed or being already present, are entrained out by the continuous flow and exhausted to the outer environment in an appropriate position of the outer pumping circuit. In addition, the liquid circulation provided as above prevents the antenna and the environment thereof from overheating, therefore from causing undesirable reactions within the circulating liquid.


Linda Sholl
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